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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,089	01/16/2002	Masahiro Hatahita	81800.0178	5517
26021	7590	02/22/2006	EXAMINER	
HOGAN & HARTSON L.L.P. 500 S. GRAND AVENUE SUITE 1900 LOS ANGELES, CA 90071-2611				BAKER, CHARLOTTE M
		ART UNIT		PAPER NUMBER
				2626

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/053,089	HATASHITA, MASAHIRO
	Examiner	Art Unit
	Charlotte M. Baker	2626

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01/16/2002 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 01/31/2006 have been fully considered but they are not persuasive. Applicant has added to claims 1, 10, and 19 "appending an error data that is preset to indicate that an error condition exists". This limitation is clearly disclosed in Nakamura (col. 7, ln. 56 through ln. 13). Nakamura discloses "when sending the non-standard facilities set-up signal NSS, the source facsimile 1 adds a predetermined number of bits to indicate whether or not the failure to train signal FTT is the conventional failure to train signal shown in Fig. 5 or the new failure to train signal shown in Fig. 6". The disclosure of Nakamura reads on appending an error data that is preset to indicate that an error condition exists.
2. The objection to the drawings is hereby withdrawn based upon new claim language replacing "inverting unit" with "control unit".
3. The claim objection of claims 1 and 10 are hereby withdrawn based upon new claim language replacing "inverting unit" with "control unit".

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chimura et al. (6,285,466) in view of Nakamura (4,999,716).

Regarding claim 1: Chimura et al. disclose a storage unit (Fig. 3, memory 16) for receiving a packet data from a second communication network (Fig. 3, LAN 4); an control unit (Fig. 3, connection/transfer controller 15) for inverting the packet data into a facsimile image data (col. 6, ln. 7-20) and for normally transmitting the facsimile image data to a second communication terminal device (Fig. 1, FAX 7) via a third communication network (Fig. 1, telephone line 6) (col. 6, ln. 50-54), to the second communication terminal device via the third communication network (Fig. 1, telephone line 6) if an amount of the facsimile image data stored in the storage unit (Fig. 3, memory 16) is smaller than a prescribed amount (col. 8, ln. 28-34).

Chimura et al. fail to specifically transmitting address error data and test data together and appending an error data that is preset to indicate that an error condition exists to a test data (TCF) used for a training purpose.

Nakamura discloses and for appending an error data that is preset to indicate that an error condition exists to a test data (TCF) used for a training purpose and transmitting the error data together with the test data (Fig. 7 and col. 7, ln. 56 through ln. 13).

It would have been obvious for a person of ordinary skill in the art at the time of the invention to have modified Chimura et al. to include error data with test data to determine modem transmission speed as suggested by Nakamura (col. 1, ln. 7-12).

It would have been obvious for a person of ordinary skill in the art at the time of the invention to have modified Chimura et al. to include appending an error data that is preset to indicate that an error condition exists to a test data used for a training purpose to determine whether the failure train signal is conventional or new as taught by Nakamura (col. 7, ln. 56 through ln. 13).

Regarding claim 2: Chimura et al. in view of Nakamura satisfy all the elements of claim 1.

Chimura et al. further disclose test data is a TCF signal (col. 7, ln. 52-56).

Chimura et al. fail to specifically address error data.

Nakamura disclose wherein the error data consists of a series of predetermined numbers (Fig. 7, and col. 8, ln. 3-13).

Regarding claim 3: Chimura et al. in view of Nakamura satisfy all the elements of claim 2.

Chimura et al. fail to specifically address plurality of 1's as error data.

Nakamura discloses wherein the series of predetermined numbers consists of a plurality of "1"s only (Fig 7, S3 "yes" condition).

Regarding claim 4: Chimura et al. in view of Nakamura satisfy all the elements of claim 1.

Chimura et al. further disclose wherein a first communication terminal device (Fig. 1, FAX 1) scans a document (original) (col. 5, ln. 15-19) having a plurality of pages (it is an implicit feature that a facsimile machine can scan one page or a plurality of pages) and prepares the facsimile image data (pixel data) to be sent to a first communication network (Fig. 1, telephone network 2), and when the image data of all the plurality of pages are not received by the gateway device or not transmitted to the second communication terminal (Fig. 1, FAX 7) (EOP signal not yet sent) from the gateway device (Fig. 1, gateway 10b) and the amount of the facsimile image data stored in the storage unit (Fig. 3, memory 16) is smaller than the prescribed amount (col. 8, ln. 28-34), then the gateway device (Fig. 1, gateway 10b) receives again the facsimile image data (pixel data) from the second communication network (Fig. 1, LAN 4) and stores the facsimile image data (pixel data) into the storage unit (Fig. 3, memory 16).

Regarding claim 5: Chimura et al. in view of Nakamura satisfy all the elements of claim 1.

Chimura et al. further disclose wherein the control unit (Fig. 3, LAN control circuit 18); the second communication terminal device (Fig. 1, FAX 7).

Chimura et al. fail to specifically address control of modem speed, FTT signal, and error data and test data together.

Nakamura discloses controls a modem speed (transmission speed) such that the modem speed (transmission speed) does not decrease when the control unit receives an FTT signal (FTT and col. 9, ln. 19-42) in response to the error data and the test data sent (Fig. 7 and col. 8, ln. 3-13).

Regarding claim 6: Chimura et al. in view of Nakamura satisfy all the elements of claim 2.

Arguments analogous to those stated in the rejection of claim 5 are applicable.

Regarding claim 7: Chimura et al. in view of Nakamura satisfy all the elements of claim 3.

Arguments analogous to those stated in the rejection of claim 5 are applicable.

Regarding claim 8: Chimura et al. in view of Nakamura satisfy all the elements of claim 4.

Arguments analogous to those stated in the rejection of claim 5 are applicable.

Regarding claim 9: Chimura et al. in view of Nakamura satisfy all the elements of claim 1.

Chimura et al. fail to specifically address amount of error.

Nakamura discloses wherein an amount of the error is at least four times as much as the test data (col. 8, ln. 3-13 and Fig. 7 and Tables 1-2).

Regarding claim 10: Arguments analogous to those stated in the rejection of claim 1 are applicable.

Regarding claim 11: Chimura et al. in view of Nakamura satisfy all the elements of claim 10.

Arguments analogous to those stated in the rejection of claim 2 are applicable.

Regarding claim 12: Chimura et al. in view of Nakamura satisfy all the elements of claim 11.

Arguments analogous to those stated in the rejection of claim 3 are applicable.

Regarding claim 13: Chimura et al. in view of Nakamura satisfy all the elements of claim 10.

Arguments analogous to those stated in the rejection of claim 4 are applicable.

Regarding claim 14: Chimura et al. in view of Nakamura satisfy all the elements of claim 10.

Arguments analogous to those stated in the rejection of claim 5 are applicable.

Regarding claim 15: Chimura et al. in view of Nakamura satisfy all the elements of claim 11.

Arguments analogous to those stated in the rejection of claim 6 are applicable.

Regarding claim 16: Chimura et al. in view of Nakamura satisfy all the elements of claim 12.

Arguments analogous to those stated in the rejection of claim 7 are applicable.

Regarding claim 17: Chimura et al. in view of Nakamura satisfy all the elements of claim 13.

Arguments analogous to those stated in the rejection of claim 8 are applicable.

Regarding claim 18: Chimura et al. in view of Nakamura satisfy all the elements of claim 10.

Arguments analogous to those stated in the rejection of claim 9 are applicable.

Regarding claim 19: The structural elements of apparatus claim 1 perform all of the steps of method claim 19. Thus, claim 19 is rejected for the same reasons discussed in the rejection of claim 1.

Regarding claim 20: Chimura et al. in view of Nakamura satisfy all the elements of claim 19.

The structural elements of apparatus claim 4 perform all of the steps of method claim 19. Thus, claim 19 is rejected for the same reasons discussed in the rejection of claim 4.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlotte M. Baker whose telephone number is 571-272-7459. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MARK WALLERSON
PRIMARY EXAMINER